

RDMD/Planning and Development Services

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DATE: May 20, 2004

TO: Orange County Zoning Administrator

FROM: RDMD/PDS/Current and Advance Planning Services

SUBJECT: Public Hearing on Planning Application PA04-0025 for Variance

PROPOSAL: The applicant request approval of a driveway setback Variance to permit a driveway length of 13 feet from the garage door to the street when a driveway length of 18 feet is required. The proposed variance is in conjunction with remodeling of an existing single-family dwelling and the construction of a new garage in front of the existing garage.

LOCATION: The project site is located in the community of Emerald Bay, on the landward side of Pacific Coast Highway at 269 Emerald Bay, Laguna Beach. Fifth Supervisorial District

APPLICANT: Douglas O'Donnell, property owner
Laidlaw Schultz Architects, agent

STAFF William V. Melton, Project Manager
CONTACT: Phone: (714) 834-2541 FAX: (714) 667-8344

SYNOPSIS: PDS/Current and Advance Planning Services recommends Zoning Administrator approval of PA04-0025-subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The subject site is 8,553 square feet in area, rectangular in shape, with average measurements of 55 feet wide by 144 feet deep. The site is a through lot with access from the upper street. The elevation change from the upper street to the lower street is 26 feet. The site is currently developed with a one-story 1,478 square feet single-family dwelling built in the 1950s. The applicant proposes to remodel the existing dwelling and construct 1,172 square feet of new additions. Included in the remodel is moving the garage closer to the street leaving a driveway setback of 13 feet, and the reason for this Variance request. The required setback for the dwelling, except for the garage, is 7.25 feet, which is the average front setback of the two adjoining lots.

The site, as well as all Emerald Bay, is zoned R1 "Single-Family Residence" District with a CD "Coastal Development Permit" District overlay. In addition to the R1 and CD site development standards and requirements, Emerald Bay maintains CC&Rs permitting setbacks of 5 feet from all property lines but has strict height and site coverage standards, which prohibits development of properties that would otherwise be permitted by the R1 site development standards.

Emerald Bay also has a certified Local Coastal Program (LCP). The LCP has a requirement that all properties on the ocean side of Pacific Coast Highway are also subject to regulations contained in Zoning Code Section 7-9-118 “Coastal Development” District. In general, property owners are required to obtain approval of a Coastal Development prior to demolishing a dwelling or making large additions to an existing residence and/or construction of a new dwelling. Properties located inland of Pacific Coast Highway, such as the subject site, are not subject to the CD regulation and are not subject to obtaining a Coastal Development Permit for new construction.

SURROUNDING LAND USE:

The project site and all surrounding properties are zoned R1 “Single-family Residence” District with a CD “Coastal Development” District overlay, and developed with single-family dwellings (see photo below).



REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to three County Divisions and The Emerald Bay Community Association. As of the writing of this staff report, no comments raising issues with the project have been

received from other County divisions. The Emerald Bay Community Association has approved the project.

CEQA COMPLIANCE:

The proposed project is Categorically Exempt (Class 5, minor alterations in land use limitations such as setback variance) from the requirements of CEQA. Appendix A contains the required CEQA Finding.

DISCUSSION/ANALYSIS:

Front and rear yard Variance requests are also very common. The CC&Rs for Emerald Bay has a setback requirement of five (5) feet from front, rear and side property lines. These setback requirements often conflict with the minimum front and rear setbacks required by the zoning code for the R1 District. The proposed additions, except for the garage driveway length, do conform to both the Emerald Bay and zoning code setback standards.

This lot however has a very restrictive Emerald Bay maximum height requirement of 13.5 feet from the front of the lot. The R1 height limit is 35 feet. Additionally, the site has maximum site coverage of 40 percent; the R1 District does not have a maximum site coverage factor. The dwelling as proposed conforms to these Emerald Bay standards. Because of these standards, the garage is unable to be moved forward to a setback of 5 to 10 feet from the street, which is typical of garages that can't be setback a distance of 18 feet or greater. Photos 1 and 2 in Exhibit 2, shows the adjoining residence, which has a typical Emerald Bay garage setback.

The garage requirement under Section 7-9-137.1 "Garages and carports" is to maintain a distance of 20 feet (may be reduced to 18 feet with section roll-up door) from the garage entry to the street curb line. The garage proposed has a setback of 13 feet from garage entry to the curb so a Variance is requested. Section 7-9-145.3 "Residential off-street parking requirements" has an additional requirement that a garage with a driveway less than 17 feet in length provide one additional parking space within 200 feet. Street parking is available on the street. Subdivision and Grading Services/Traffic Review staff did not express a concern for the short driveway. The 13-foot driveway length should discourage straight in parking in front of the garage. Additionally, the Emerald Bay Community association actively polices parking throughout the community. A condition of approval requires that the garage door be the sectional type with a remote opener.

While this short driveway length is common in Emerald Bay, before this variance request can be approved, the Zoning Administrator, in accordance with State and County planning laws, must be able to make the following variance findings listed below. If the Zoning Administrator cannot make these findings, the application must be disapproved.

There are special circumstances applicable to the subject building site which, when applicable zoning regulations are strictly applied, deprive the subject building site of privileges enjoyed by other property in the vicinity and subject to the same zoning regulations.

Approval of the application will not constitute a grant of special privileges, which are inconsistent with the limitations placed upon other properties in the vicinity and subject to the same zoning regulations when the specified conditions are complied with.

Staff is of opinion that the Zoning Administrator is able to make these two special variance findings. The special circumstance for approving the variance requested for this proposal is in Finding No.8 of Appendix A. Because the requested variance is similar to previously approved setback variances, staff can support the proposed garage setback variance and makes a recommendation as follows.

RECOMMENDED ACTION:

PDS/Current and Advance Planning Services recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA04-0025 for Variance subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad G. Brown, Chief
CAPS/Site Planning Section

WVM

Folder: My Documents/Emerald Bay/PA04-0020 Staff 5-20 O'Donnell

APPENDICES:

- A. Recommended Findings
- B. Recommended Conditions of Approval

EXHIBITS:

1. Applicant's Letter of Explanation
2. Site Photos
3. Site Plans

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$245.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to the RDMD/Planning and Development Services.